

January 7, 2013

The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

RE: *Southwest Power Pool, Inc.*, Docket No. ER13-_____
Submission of Generator Interconnection Agreement

Dear Secretary Bose:

Pursuant to section 205 of the Federal Power Act, 16 U.S.C. § 824d, and section 35.13 of the Federal Energy Regulatory Commission's ("Commission") regulations, 18 C.F.R. § 35.13, Southwest Power Pool, Inc. ("SPP") submits an executed Generator Interconnection Agreement ("GIA") among SPP as Transmission Provider, EVA WIND, LLC ("EVA Wind") as Interconnection Customer, and Tri-County Electric Cooperative, Inc. ("Tri-County") as Transmission Owner ("EVA Wind GIA").¹ SPP is submitting the EVA Wind GIA for filing because it includes provisions that do not conform to the *pro forma* GIA in SPP's Open Access Transmission Tariff ("SPP Tariff").²

I. Description and Justification of Non-Conforming Provisions Included in the EVA Wind GIA

EVA Wind plans to construct a 46.5 MW wind generating facility ("Facility"), which will consist of 31 General Electric 1.5 MW wind turbines. The EVA Wind GIA facilitates the interconnection of the Facility to Tri-County's transmission system.

Tri-County is a Transmission Owner within SPP. As a result, in Docket ER12-959-000, SPP submitted revisions to the SPP Tariff to implement Tri-County's formula rate for transmission service. On March 30, 2012, the Commission accepted SPP's proposed Tariff revisions for filing, to become effective April 1, 2012.³ In the March 30 Order, the Commission found that the record did not provide the Commission enough information to determine the appropriate classification of the facilities that form the basis

¹ The EVA Wind GIA is designated as Service Agreement No. 2509. In addition, SPP, EVA Wind, and Tri-County are collectively "the Parties."

² See SPP Tariff at Attachment V, Appendix 6 (hereinafter "the *pro forma* GIA").

³ *Sw. Power Pool, Inc.*, 138 FERC ¶ 61,231 (2012) ("March 30 Order").

for the annual revenue requirements proposed by Tri-County.⁴ Therefore, the March 30 Order also established hearing and settlement judge procedures.⁵ The issues raised in ER12-959-000 have not yet been resolved and the question of whether Tri-County's facilities are transmission facilities remains pending.

If Tri-County's facilities are determined not to be transmission facilities under SPP's Tariff in Docket No. ER12-959-000, then SPP may not be the appropriate party to issue a GIA allowing for the interconnection of EVA Wind's Facility to the Tri-County transmission system. The Parties determined that it was necessary to include non-conforming language allowing for the termination of the EVA Wind GIA should FERC determine that Tri-County's facilities are not transmission facilities under the Tariff. As a result, the Parties added non-conforming language in Section 2.3.4 of the EVA Wind GIA to specify that "in the event that FERC determines that the Transmission Owner's facilities are not transmission facilities under the Tariff, this GIA will be deemed terminated."⁶

II. Effective Date and Waiver

SPP requests an effective date of December 6, 2012 for the EVA Wind GIA. To permit such an effective date, pursuant to section 35.11 of the Commission's rules and regulations, 18 C.F.R. § 35.11, SPP requests a waiver of the Commission's 60-day notice requirement set forth at 18 C.F.R. § 35.3. Waiver is appropriate because the EVA Wind GIA is being filed no later than 30 days after the effective date of the agreement.⁷

⁴ March 30 Order at P 14.

⁵ March 30 Order at PP 14-16.

⁶ Article 2.3.4 of the EVA Wind GIA.

⁷ *See Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, at 61,983-84, *order on reh'g*, 65 FERC ¶ 61,081 (1993) (the Commission will grant waiver of the 60-day prior notice requirement "if service agreements are filed within 30 days after service commences.").

III. Additional Information

A. Information Required by Section 35.13 of the Commission's Regulations, 18 C.F.R. § 35.13:

(1) Documents Submitted with this Filing:

In addition to this transmittal letter, SPP is submitting the following:

- (a) A clean copy of the EVA Wind GIA; and
- (b) A redline copy of the EVA Wind GIA.

(2) Effective Date:

As discussed above, SPP respectfully requests that the Commission accept the EVA Wind GIA with an effective date of December 6, 2012.

(3) Service:

SPP is serving a copy of this filing on the representatives for the Parties listed in the EVA Wind GIA.

(4) Basis of Rate:

All charges will be determined in accordance with the SPP Tariff and the EVA Wind GIA.

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B. Communications:

Copies of this filing have been served upon all Parties to the EVA Wind GIA. Any correspondence regarding this matter should be directed to:

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IV. Conclusion

For all the foregoing reasons, SPP respectfully requests that the Commission accept the EVA Wind GIA with an effective date of December 6, 2012.

Respectfully submitted,

/s/ Tessie Kentner

Tessie Kentner

**Attorney for Southwest Power
Pool, Inc.**